

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill No. 159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, delete lines 5 through 26, begin a new paragraph and insert:
2 "(g) This subsection applies to any part of a rule adopted under
3 this section that directly corresponds to and is based on any part
4 of a federal law, rule, or regulation that is stayed or repealed,
5 invalidated, vacated, or otherwise nullified by a legislative, an
6 administrative, or a judicial action described in subdivision (1), (2),
7 or (3). If:
8 (1) a proposed rule is adopted by a board under subsection
9 (e)(1) based on a determination by the commissioner under
10 subsection (a)(1)(A) and the federal law, rule, or regulation on
11 which the adopted rule is based is later repealed or otherwise
12 nullified by legislative or administrative action, the adopted
13 rule is void as of the effective date of the legislative or
14 administrative action repealing or otherwise nullifying the
15 federal law, rule, or regulation;
16 (2) a board adopts a proposed rule under subsection (e)(1)
17 that is based on a determination by the commissioner under
18 subsection (a)(1)(A) and the federal law, rule, or regulation on
19 which the adopted rule is based is later invalidated, vacated,
20 or otherwise nullified by a judicial decree, order, judgment,
21 or ruling:

1 **(A) the rule shall not be enforced by the commission or any**
 2 **other person during the time in which an appeal of the**
 3 **judicial decree, order, judgment, or ruling can be**
 4 **commenced or is pending; and**
 5 **(B) the:**
 6 **(i) adopted rule is void as of the date that the judicial**
 7 **decree, order, judgment, or ruling becomes a final**
 8 **unappealable decree, order, judgment, or ruling; and**
 9 **(ii) enforcement of the adopted rule is restored if the**
 10 **judicial decree, order, judgment, or ruling is reversed,**
 11 **vacated, or otherwise nullified on appeal; and**
 12 **(3) the federal law, regulation, or rule that is the basis of a**
 13 **rule that is adopted under subsection (e)(1) and based on a**
 14 **determination by the commissioner under subsection (a)(1)(A)**
 15 **is stayed by an administrative or a judicial order pending an**
 16 **administrative or a judicial action regarding the validity of**
 17 **the federal law, rule, or regulation, the commissioner may**
 18 **suspend the enforcement of the adopted rule while the stay is**
 19 **in force."**

(Reference is to SB 159 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Gard, Chairperson